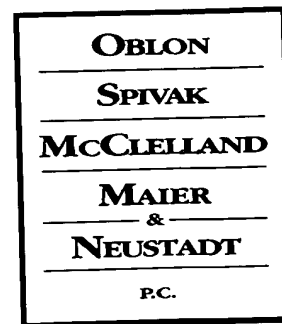




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Docket No.: 250980US8DIV

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/824,402
Applicants: Youichi AKASAKA, et al.
Filing Date: April 15, 2004
For: RAMAN AMPLIFIER, OPTICAL REPEATER, AND
RAMAN AMPLIFICATION METHOD
Group Art Unit: 3633
Examiner: Ari M. Diacou

SIR:

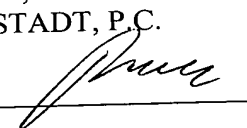
Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION AND ELECTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


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DOCKET NO: 250980US8DIV



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YOUICHI AKASAKA, ET AL. : EXAMINER: ARI M. DIACOU
SERIAL NO: 10/824,402 :
FILED: APRIL 15, 2004 : GROUP ART UNIT: 3633
FOR: RAMAN AMPLIFIER, OPTICAL :
REPEATER, AND RAMAN
AMPLIFICATION METHOD

RESPONSE TO RESTRICTION AND ELECTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Restriction and Election Requirement stated in the Official Action dated February 21, 2006, Applicants in the above-identified patent application provisionally elect Group I, Claims 1-19 and 35-58, drawn to a Raman optical amplifier. Applicants further elect Species A, corresponding to Fig. 7; Species a, corresponding to Fig. 1; Species 1, corresponding to Fig. 4; and Species C, no method of depolarization.

The Restriction Requirement asserts that the application contains claims to distinct inventions. However, MPEP §803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be of an overlapping search area.

Application No. 10/824,402
Reply to Office Action of February 21, 2006

Accordingly, Applicants respectfully **traverse** the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

However, if the present Restriction Requirement is not withdrawn, examination on the merits of the Claims of Group I, Species' A, a, 1, and C is believed to be in order, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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(OSMMN 06/04)

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